

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Shane Dion Houser

Docket No. 5:01-CR-241-1BO

Petition for Action on Supervised Release

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Shane Dion Houser, who, upon an earlier plea of guilty to Count 2- Carjacking and Aiding and Abetting, in violation of 18 U.S.C. §§ 2119 and 2 and Count 3- Use, Carry, or Possession of a Firearm During and in Relation to a Crime of Violence, With Firearm Brandished, and Aiding and Abetting, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on August 27, 2002, to the custody of the Bureau of Prisons for a term of 234 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall make restitution in the amount of \$5,944.58 as directed jointly and severally along with co-defendants.

On September 22, 2005, pursuant to a Federal Rule of Criminal Procedure 35 (b) motion, the term of imprisonment was reduced to 150 months on Count 2 and 84 months on Count 3, to run concurrently with Count 2. Shane Dion Houser was released from custody on March 14, 2014, at which time the term of supervised release commenced. On March 24, 2014, the defendant's conditions of supervised release were modified to include:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

On October 31, 2014, as a result of the defendant testing positive for marijuana on October 22, 2014, the defendant's conditions of supervised release were modified to include:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 19, 2014, the defendant submitted a urine specimen which tested positive for cocaine. As a sanction for this conduct, and in an effort to deter future drug use, we would respectfully recommend that his supervised release be modified to include 60 days of home detention. Furthermore, Houser will continue with substance abuse treatment and we will continue to monitor his drug use through the Surprise Urinalysis Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Keith W. Lawrence
Keith W. Lawrence
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: December 3, 2014

ORDER OF COURT

Considered and ordered this 3 day of December, 2014, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge